

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Case No. 5:22-CV-276-D-BM**

NORTH CAROLINA GREEN PARTY, et al.,)	
)	
Plaintiffs,)	PLAINTIFFS’ RESPONSE IN OPPOSITION TO INTERVENOR-DEFENDANTS’ MOTION TO DISMISS
v.)	
)	
NORTH CAROLINA STATE BOARD OF ELECTIONS, et al.,)	
)	
Defendants,)	
)	
and)	
)	
NORTH CAROLINA DEMOCRATIC PARTY, et al.,)	
)	
Intervenor-Defendants.)	

This case is not moot for the reasons set forth in Plaintiffs’ Response in Opposition to State Board Defendants’ Motion to Dismiss filed contemporaneously herewith. Plaintiffs therefore incorporate that filing by reference and rely on it herein to oppose Intervenor-Defendants’ Motion to Dismiss filed on May 8, 2023. (D.E. 86; D.E. 87 (“Motion” or “Mot.”).)

Plaintiffs add one additional point to correct the record. Intervenor-Defendants incorrectly assert that “the Court recognized” that Plaintiffs’ claims for relief arising from the Board’s failure to certify Plaintiff NCGP are moot. (Mot. at 2 (citing D.E. 64 at 12).) In fact, the Court only concluded that Plaintiffs’ request for “an order from this court requiring the Board to certify the Green Party as a North Carolina political party” was moot. (D.E. 64 at 12.) That is, the Court concluded only that “that portion” of the injunctive relief Plaintiffs’ requested was moot. (D.E. 64

at 12.) The Court did not address Plaintiffs' claim for declaratory relief at all, much less did it "recognize" that the claim is moot.

Plaintiffs' claim for declaratory relief is not moot and Intervenor-Defendants' Motion should be denied for the same reasons that the Defendants' motion to dismiss should be denied.

Dated: May 30, 2023

Respectfully submitted,

/s/Oliver B. Hall
Oliver B. Hall
CENTER FOR COMPETITIVE DEMOCRACY
P.O. Box 21090
Washington, DC 20009
202-248-9294
oliverhall@competitivedemocracy.org
D.C. Bar No. 976463

/s/Pooyan Ordoubadi
Pooyan Ordoubadi*
Lopez-Cobb and Ordoubadi, PLLC
134 Salem Towne Court
Apex, NC 27502
Tel: (919) 695-5569
Fax: (919) 882-9797
Email: pooyan@LCOLEGAL.com
N.C. Bar No. 49438

CERTIFICATE OF SERVICE

I hereby certify that on May 30, 2023 the foregoing document was filed using the Court's CM/ECF system, which will effect service upon all counsel of record.

/s/Oliver B. Hall
Oliver B. Hall

Counsel for Plaintiffs